The Maſter and Four Wardens of the Company of Haberdaſhers, LONDON, } Appellants.

Mr. Attorney General on the behalf of the Poor of Newland *in the County of* Glocester, *and of the Poor of the Hoſpital there* (*Founded by* William Jones, *Deceas'd*) *and* Humphery Jorden, } Reſpondents.

The Reſpondents CASE.

1614. THAT the ſaid *William Jones* did then by his Will [*int' alia*] give 5000 *l.* to the ſaid Pariſh of *Newland* for the Poor, and maintenance of a Preacher there, to be paid to the *Appellants* the Company, to be beſtowed by them for the Poor and Preacher; and gave the Company a 1000 *l.* gratuity, for what they were to do.

1615. The Company received the 5000 *l.* and alſo their Gratuity of a 1000 *l.* and ſoon after laid out about 600 *l.* in Erecting a Houſe for a Preacher, and alſo an Hoſpital, wherein they placed 16 Poor People, and allowed them 2 *s.* 6 *d.* a peice, a Week, and 2 *s.* 6 *d.* every Quarter, for Fireing, and 3 yards of Cloath, of 6 *s.* 8 *d. per* yard, Yearly, for Gowns, and 66 *l.* 13 *s.* 4 *d. per Ann.* to the Preacher, which (with a quitt Rent of 11 *s. per Ann.*) in the whole amounted to only 175 *l.* 4 *s.* 4 *d.* a Year: Whereas the Intereſt of the 4400 *l.* at 8 *l. per Cent* [the then currant Intereſt] did amount to 352 *l. per Ann.* which for 7 Years before there was any pretence that the ſaid Money was laid out in a Purchaſe ſurmounted their Diſburſments in that time, 1097 *l.* 9 *s.* 8 *d.*

1622. The Company having then in their Hands the 4400 *l.* principle Money, beſides the 1097 *l.* 9 *s.* 8 *d.* which they had received for Intereſt in the time aforeſaid, more then they had laid out, did then purchaſe Lands in *Huntington-ſhire* of 280 l. *per Ann.* of Sir *Oliver Luke*, for 4500 l.

1674. The Company without the privity of the Reſpondents, Sold the ſaid Lands in *Huntigton-ſhire* for 4620 l. and never after purchaſed and appropiated any Lands for the uſe of the ſaid Hoſpital and Charity, and then reduced the Poors Allowance to 2 *s.* a Week, and allowed them no Fireing, and worſe Cloath then formerly, and when any of the Poor died, refuſed to diſtribute the Mort-money amongſt the Poor, and delayed admitting upon Vacancies, and very much misbehaved themſelves in their truſt. And would not redreſs the ſame, thô applyed to in a becoming manner.

Hil. Ter 1697. Thereupon the Reſpondents brought an Information againſt the Appellants, who after great delaie, put in their Anſwer, and Iſſue, being joyned, and Witneſſes examined.

20 *June* 1699. The Cauſe was heard before the Right Honourable the Lorrd Chancellor *Somers*, who declared that the Appellants had done very ill in not appropriating ſeperate Lands, purchaſed with the ſaid 5000 *l.* to the ſaid Charity, and in being angry with the Poor, and with-holding their Payments, and referred it to a Maſter, to ſee whether the 5000 *l.* or how much thereof had been laid out, and how and when, and what diminution there had been in the Annual Payments, to the ſaid Charity, and after the Maſters Report, the Court would give further Directions.

5 *July* 1701. The Maſter made his Report whereby the matters aforeſaid, and the Appellants miſmanagment of their Truſt, doth fully appear.

To which Report for further delay, and to put the Reſpondents to further Charge, the Appellants filed Exceptions, which occaſioned the Reſpondents likewiſe to file Exceptions.

13 *Dec.* 1701. The matter of the ſaid Report, and the Exceptions taken thereto, coming to be heard before the Right Honourable the preſent Lord Keeper of the Great Seal of *England*, his Lordſhip upon reading the Maſters Report, the former Orders, and upon opening 2 of the Appelants Exceptions, and hearing what was inſiſted on, on both ſides, Decreed the Apellants to pay unto the Reſpondents the arrears of 200 *l. per Ann.* from the time of their Bill, together with their Coſts, and that the Appellants ſhould ſet out of their own Lands of Inheritance, or elſe purchaſe as much Lands of Inheritance [not ſubject to any other Charitys or Incumbrances] as would effectually anſwer to the ſaid Charity, 200 *l. per Ann.* and ſettle the ſame in the Name of the Appellants in truſt, and for the uſe of the ſaid Hoſpital and Charity at *Newland*, according to the intention of the Donors Will, and ordered the Preacher to allow Taxes out of his Sallery, but declared the Charity ought to allow no Taxes, and referred it to the Maſter to compute the Arrears, Taxe the Coſts, and ſee the Settlement made accordingly.

20 *May* 1702. The Maſter reported due to the Reſpondents for the Arrears of 200 *l. per Ann.* in four Years the Sum of 134 *l.* 6 *s.* 8 *d.* The Appellants for further Delay and Vexation, put in frivilous Exceptions to that Report, and knowing them to be ſo waved the arguing of them; And,

2 *Dec.* 1702. To put the Reſpondents to further Charge, brought this Appeal to reverſe the laſt Decree, for the Effectual ſetling of 200 *l per Ann.* and that they might thereout have an allowance of about 70 *l. per Ann.* for Taxes, Repairs, Agents, Sallerys, Carriage of Cloath, and return of Money.

The Reſpondents humbly hope that the ſaid Decree ſhall be affirmed, and the Appeal diſmiſſed with Exemplary Coſts. For that,

1*ſt.* The Appellants have done very ill, in reducing the Poors allowance as aforeſaid, and in not Purchaſing and ſetling Lands, which would have Effectually anſwered 200 *l. per Ann.* when they had without the Reſpondents privity, Sold land of 280 *l. per Ann.* in *Huntington-ſhire*, Purchaſed with the Charity Money, and have ſufficient in their Hands, to purchaſe Lands ſufficient to anſwer 200 *l. per Annum.*

2*d.* If Lands were purchaſed and appropiated, there would be no occaſion for any allowance for Repairs or Taxes: And they ought to have no allowance for managing of the Truſt, becauſe they have broken it, when as the Donor gave them a 1000 l, to perform it, which is 60 l, *per Annum.*

3*dly.* The neceſſity of bringing the Information, and the great Charge, the Reſpondents have been put to, in proſecuting the ſame, made it moſt juſt, that the Appellants ſhould pay Coſts.

Wherefore the Reſpondents humbly hope, that the Decree ſhall be Affirmed, and the Appeal Diſmiſſed, with Coſts.

Edw. Strode.